S.B. CIVIL WRIT PETITION NO.2739/2007.

Niraj Saluja & Ors.
Vs.
State and ors.

Date of order : 14/5/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Pankaj Gupta for the petitioners.
Shri R.B. Mathur and
Shri S.S. Rathore for the respondents.

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Heard learned counsel for the parties.

The petitioners are seeking to challenge the allotment of shop composite licence for Ward Nos.7, 10 and 25 of Municipal Board Bandikui and their common grievance is that while original notification dated 16/3/2007 did not provide for reserve price for Rs.50 lacs for allotment of a group of shop,s now the respondents have decided to allot shops, in a group with permission to sell I.M.F.L. With country made liquor in one of the shops. Initially respondent No.5 was allotted shops for the aforesaid wards but subsequently vide notice dated 27/3/2007 it was provided that different shops would be

combined to form a group and now the respondents are proceeding to make the allotment of three shops as a group with permission to respondent No.5 to sale of country made liquor with I.M.F.L. In one of them. This is a case of undue favour being given to respondent No.5 depriving others to compete for the same.

Having heard learned counsel for the parties and perused the material available on record, I find that the recommendations of the allotment of license with permission to combinedly run three shops to sell the country made liquor has been made by the District Excise Officer Dausa vide order dated 5/4/2007. Instead of directly entertaining this writ petition, I deem it just and proper to set the petitioners at liberty to approach the Excise Commissioner detailing out their contentions raised in this petition by way of an appeal provided under Section 9A of the Excise Act. On such appeal being filed, the Excise Commissioner shall decide the same by a speaking order.

With these observations, the writ petition is

disposed of.

(MOHAMMAD RAFIQ), J.

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